

Montana Statewide Oil and Gas EIS and Amendment of the Powder River and Billings RMPs

Scoping Comment Summary

Resource Area	Issues	Comment	#	Addressed in EIS ?	Response (does not support or refute comments)
Air Quality		EIS needs to study and model the cumulative impacts of CBM development on air quality in the area.	26	Yes	
		Rules need to require lower limits on CBM development emissions to reduce impact to overall air quality	2	No	Formulation of Air Quality regulations is beyond the scope of the EIS.
		Global impacts from CBM development and the release of greenhouse gasses need to be included in EIS	16	No	Global impacts are beyond the scope of EIS.
		EIS needs to study the effect of multiple compressors on air quality	1	Yes	
		Dust control procedures need to be required to reduce the impact from dust generation from construction activities and vehicles on air quality.	17	Yes	Impacts from dust liberated at construction sites will be considered but regulations will not be produced.
Climate		No Comments Received			
Cultural Resources		The EIS needs to conduct a cultural resources survey to identify and protect all cultural resources.	37	Yes	Existing cultural data at the State Historical Preservation Office (SHPO) will be reviewed and potential impacts will be evaluated. No new surveys will be conducted as part of the EIS.
		Sacred sites and tribal customs must be protected from development.	10	Yes	
		The historic value of the land (historic views, wagon trains, etc.) needs to be protected.	6	Yes	
Environmental Justice		Some of the comments shown below under Indian Trust and Native American Concerns, may be considered to be Environmental Justice issues.			
Geology & Minerals		What is the general geology of the area?	2	Yes	
		Will overpumping of water reduce recovery of methane due to gas spreading out in reservoir?	1	Yes	
		What are the dangers and problems associated with spontaneous combustion of the coal and underground fires and explosions once the water is removed?	23	Yes	
		How will operators control and minimize methane seeps and the potential for H2S release?	24	Yes	Potential impacts from methane and H2S releases will be considered but control measures will not be itemized.
		Will wells produce from all coal seams or will there be a separate well set in each coal seam?	1	Yes	
Indian Trust, Native American Concerns		Tribal land makes up most of Big Horn County but EA ignores reservation concerns and social impact from development in this area	4	Yes	EIS will look at impacts from adjacent CBM development, including social impacts.

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Scoping Comment Summary

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		BLM should have someone trained in social impact analysis work on EIS. Tribe prefers someone with experience in Indian issues.	1	Yes	
		Will tribe be compensated for losses due to CBM pumping adjacent to reservation (mineral rights trespass) or through impacts to social services and livelihood.	11	No	Although compensation is not addressed in the EIS, potential impacts to Tribal lands from loss of water resources and loss of CBM will be estimated. In some cases impacts to Tribal Lands may be an environmental justice issue.
		CBM development will affect the water resources on the reservation and the BLM is being encouraged to coordinate with tribe on water use rights issues.	5	Yes	Tribes have been invited to be Cooperators in the EIS process and assist in the evaluation of water resource protection.
Land and Land Use		What will be the short and long term effects of the construction of roads, pipelines, power lines, and drilling to land use.	78	Yes	
		The increased noise from construction and drilling will ruin the quiet and solitude of the area.	31	Yes	
		Landowners are concerned that the land will be torn up and not put back like it was originally.	14	Yes	
		acres to reduce the overall impact of CBM development on the land.	7	Yes	Well density will be considered but well spacing is the jurisdiction of the state.
		Will the extraction of water and gas cause subsidence in the area?	9	Yes	
		How are drilling pads reclaimed?	1	Yes	

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Scoping Comment Summary

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		EIS needs to identify areas of critical environmental concern for protection from CBM development.	2	Yes	
Lands and Realty	Surface Owners	CBM development needs to ensure protection of groundwater resources for surface owners.	24	Yes	
		Landowners should be notified and asked for input on all work planned on their land or when discharge will take place to their land.	28	Yes	
	Mineral Owners	The leasing process needs to be evaluated and problems such as split estates taken care of.	2	No	Leasing process issues are outside the scope of the EIS

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Livestock and Grazing		EIS needs to evaluate the impact on agriculture, livestock, and ranching operations from CBM development activities and discharge of high salinity water.	61	Yes	
		Ranchers will need water piped in to water livestock when ponds go dry.	3	No	Water well draw-down effects will be discussed but predictions of secondary water supply needs will not be made in the EIS.
		What is the estimated impact to grazing as the natural forage is reduced due to CBM development? How many acres of grazing land will be lost?	6	Yes	
Paleontology		No Comments Received			
Recreational		BLM needs to develop off road vehicle (ORV) plans for the development area since access will be greater due to the number of new roads built.	3	Yes	ORV impacts will be discussed but development of ORV plans is not a part of the EIS.
		Impact of CBM development on recreational activities such as hunting and fishing needs to appear in the EIS.	11	Yes	Recreational activities are not the focus of this EIS. The impacts to recreational activities will be briefly discussed in the EIS document.
Special Status Species		The EIS needs to identify and discuss the impacts to threatened and endangered plants and endangered animal species.	35	Yes	
Social Economic Values		Many landowners in the development area are apprehensive about the impacts and changes to their current lifestyle and the areas where they live.	3	No	Data and potential impact information developed in the EIS may have the effect of reassuring private citizens.
		What will be the impact to landowners from decreased land values and real estate prices?	5	Yes	
		What is the estimated number of jobs and new workers brought into the area.	12	Yes	
		The EIS needs to evaluate the impact on social services and public agencies such as police, fire, welfare, and hospitals.	11	Yes	
		The EIS should utilize more realistic natural gas prices (not the current high price) to calculate economic benefits.	2	Yes	Historical average natural gas price indices will be consulted prior to calculating economic benefits
		How many agricultural jobs will be lost due to CBM development.?	8	Yes	
		The EIS should include economic benefits from construction activities, purchase of goods and services, royalties to mineral owners, and taxes paid to state and local governments.	1	Yes	

Montana Statewide Oil and Gas EIS and Amendment of the Powder River and Billings RMPs
Scoping Comment Summary

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Solid and Hazardous Wastes		Public is concerned about use of hazardous materials and the potential for misuse as apt of CBM development.	13		
Vegetation		EIS must study the short term and cumulative impact of high volume discharge of produced water to soils and vegetation.	27	Yes	
		What are the productivity losses to agriculture due to CBM development?	20	Yes	
		EIS needs to address the impact to native plant species and the prevention of influx of noxious weeds into grassland areas.	39	Yes	
		Plans need to be included in the EIS to require replanting of native grasses to prevent erosion and to replace the loss of vegetation from development.	7	Yes	
		Riparian areas need special protection for the vegetation is succceptable to degradation from increased salinity and animal use.	9	Yes	
		The EIS needs to help protect the largest, contiguous prairie grassland areas located in the Powder River Basin	1	Yes	

Montana Statewide Oil and Gas EIS and Amendment of the Powder River and Billings RMPs
Scoping Comment Summary

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Soils		The EIS needs to address the erosion of soils and sedimentation of the streambeds due to discharge of CBM water	26	Yes	
		The impact of high salt content produced water discharge on soils needs to be addressed, with additional emphasis on the cumulative effects of parameters such as SAR build-up.	52	Yes	
		Determine soil types and soil make-up prior to development.	2	Yes	
		How will irrigated soils downstream of CBM development be affected by salinity build-up or higher stream flows?	6	Yes	
		How much top soil will be lost to development?	6	No	Impacts to soils will be discussed, but the amount of soil lost will not be addressed at this time.
Visual		The EIS needs to address the loss in visual effect due to the landscape being dotted with production wells and facilities, pipeline and road right-of-ways, and power lines strung up between compressor stations.	35	Yes	
Water Resources	Water Conservation	Methane production exploits underground reserves of groundwater by pumping large quantities from the ground and dumping it on the surface.	9	Yes	
		Montana law states that no groundwater may be wasted and we must protect the groundwater reserves from CBM wastefulness.	10	Yes	
		To keep from wasting water in this arid region, CBM water production should be limited to an amount of water that can be used by farmers and ranchers.	7	Yes	
		In some areas, coal mining proceeds at the same time CBM development occurs. Effects of each on the groundwater supply and on each other need to be quantified.	1	Yes	
		The local aquifer will be drawn down significantly due to pumping and local water wells will go dry.	119	Yes	
		What are the long term effects of CBM pumping on aquifer recharge rates and groundwater resources.	90	Yes	
		1/4 mile area is not large enough for pumping influence review.	14	Yes	
		The EIS should address the realistic cost to replace water in areas where wells go dry.	3	Yes	
		The BLM should require permits to pump water from an aquifer.	7	Yes	

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Resource Area	Issues	Comment	#	Addressed in EIS ?	Response (does not support or refute comments)
Water Resources Continued	Groundwater Quality and Quantity	The EIS needs to study the cumulative effects of CBM development to water reserves and quality	71	Yes	
		What is the effect on aquifer characteristics of the removal of higher quality water from coal? Does the influx poor quality water lower overall water quality?	42	Yes	
		Evaluate individual non-potable water aquifers including interburden aquifers and coal bed aquifers in terms of reservoir parameters, water chemistry, seasonal fluctuations, and potential impacts from water withdrawal, surface discharge, and mixing. Estimate assimilative capacity of each aquifer.	1	Yes	
		Montana DNRC established Powder River Basin Controlled Groundwater Area, will this apply to the EIS?	1	No	Beyond scope of the EIS
		MBOGC adopted Order 99-99 to establish field rules in the PRB. Will these rules still apply?	1	No	Beyond scope of the EIS
		Within the first of year of CBM production, groundwater production decreases by as much as 50%. This needs to be considered in the EIS.	1	Yes	
		Montana and Wyoming differ on water quality criteria for metals in surface water. The EIS should identify the appropriate basis for analysis. The EPA uses dissolved metals not total recoverable metals as the basis for its criteria.	2	Yes	
		Water sampling data should be put into a database accessible by everyone.	4	No	Development of a water sampling database is not under the scope of this EIS

Montana Statewide Oil and Gas EIS and Amendment of the Powder River and Billings RMPs
Scoping Comment Summary

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		CBM companies should be held accountable for all impacts to water supplies from their activities.	17	No	EIS does not address penalties or accountabilities
	Surface Water - Quality and Availability	The area of CBM development is an arid environment and as such water resources need to be protected and not wasted.	11	Yes	
		Impacts to surface water quality and quantity due to CBM discharge need to include the effects of flow from Wyoming into Montana.	129	Yes	
		BLM should use a watershed approach to include impact from Wyoming discharge	1	No	The impact to surface water from Wyoming discharge will be considered within the EIS but not specifically from a watershed approach.

Montana Statewide Oil and Gas EIS and Amendment of the Powder River and Billings RMPs
Scoping Comment Summary

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		What are long term effects on surface water availability and quality due to discharge of CBM water?	54	Yes	
		A surface water model needs to be included in EIS process.	3	No	Surface water impacts will be considered within the EIS, but no surface water modeling will be conducted.
Water Resources Continued	Waste Water Disposal and Discharge	The discharge of high volumes of water will cause downstream siltation of rivers.	3	Yes	
		There are long term effects from the discharge of contaminants and pre-treatment needs to be studied.	35	Yes	
		A mixing analysis is needed before water is discharged into creeks or underground.	2	No	Impact from discharge will be considered but mixing analysis may not be specifically required.
		The injection of wastewater should be required before allowing wastewater to be discharged onto the surface.	42	No	Regulatory reform is not within the scope of the EIS.
		Storage of CBM water in ponds will concentrate contaminants.	1	Yes	
		What will be impact to aquifers from injection?	13	Yes	
		EIS needs to include an analysis of NPDES requirements for CBM discharge.	1	Yes	
	Water Rights	How will CBM operations impact water rights in the area?	43	Yes	
	Groundwater Resource Assessment	Conduct an assessment of all water resources prior to development including an assessment of the resources available before pumping.	55	Yes	The technical report on water resources will be developed from existing data as part of this EIS.
		The EIS needs to include the 3D mapping of all aquifers to analyze CBM withdrawal effects.	14	No	Use of 3D mapping of the entire area of concern is not feasible within the scope of this EIS. 2D drawdown analysis of CBM development areas will provide more reliable analysis of the development impacts.
		What will be the impact of full field development on water resources?	3	Yes	
		EIS needs to develop a regional water plan for CBM development.	6	No	Specific regional water use plans will not be developed as part of the EIS
Wilderness Study Areas		No Comments Received			
Wildlife		What are the short term and cumulative effects on wildlife (deer, elk, migrating birds, etc.) habitat and breeding from CBM development activities such as road, pipeline and drilling pad construction, and increased traffic in area?	191	Yes	
		What is the impact of CBM development and water discharge on fishing and fisheries production?	52	Yes	

Montana Statewide Oil and Gas EIS and Amendment of the Powder River and Billings RMPs
Scoping Comment Summary

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		What is the impact of CBM development on micro-invertebrates?	7	Yes	
		CBM development causes a fragmentation of habitat that may have a detrimental effect on the wild animal population. Especially the sagebrush community would be affected by a reduction in their preferred vegetation.	19	Yes	
		Identify areas where no CBM development can occur because wildlife impacts may be too great.	11	Yes	
OTHER ISSUES					
Legal & Institutional		Need to establish outside monitoring agency to ensure operators comply with applicable rules and regulations.	14	No	Regulatory enforcement is not in the scope of the EIS.

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		The EIS process must follow all applicable rules and regulations including the NEPA and MEPA processes.	3	Yes	
		EIS planning should build on the regulatory history of conventional O&G wells.	2	Yes	
		Regulations should be flexible enough to allow things learned during CBM development to be implemented quickly to improve the environment	3	No	Regulations and regulatory compliance are beyond the scope of the EIS.
		Use the data matrix provided by the USDA to conduct cumulative effects analysis.	1	No	Consideration will be given to cumulative effects through the NEPA process, not necessarily the USDA matrix.
		EIS alternatives need to be based on different levels of development.	2	No	However, alternatives will be based on themes that consider development levels.
		RMPs developed for CBM should be put in separate documents apart from existing RMP's for conventional O&G so public can tell differences between them.	1	No	Existing RMPs will be modified to include CBM development
		Identify impacts that will result from action in the future and how they will be monitored and mitigated.	1	Yes	Impact analysis will consider future activities, however, monitoring is considered during individual well permitting, not the EIS
		Set up no CBM development areas where environmental risk is too great.	1	No	EIS only assesses the impact, it does not calculate risk. Areas of no CBM development will be considered in the EIS.
Financial		CBM development is good for the local economy, will bring in tax revenue and new payroll, and reduce the tax burdens on existing population.	12	Yes	
		Will there be artificial inducements to increase production such as hydraulic fracturing?	1	No	EIS does not consider development inducements
		BLM should require sufficient bonding (more than the \$10,000 now required) to reclaim land after production ends.	37	No	EIS process does not address bonding levels
		EPA is requesting funding to become a cooperating agency.	1	No	Funding is not addressed in the EIS
Design & Engineering		What is the well density proposed?	17	Yes	
		How many roads, pipelines, well sites, etc. will be needed for development?	3	Yes	An RFD scenario will be included in the EIS
		Why is development only scheduled for 10 years?	6	No	Project development is a BLM administrative issue.
		How are the wells designed?	1	No	The design of individual wells can be obtained from the MBOGC.

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Scoping Comment Summary

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		How are gas and water lines run? Are they buried or do they run on top of the ground surface?	1	Yes	
		How many operators will be developing the field?	2	No	Numbers of potential operating companies is unknown at this time.
Safety		Will the cancer and general health risk increase from CBM development?	7	Yes	Potential impacts to human health and the environment will be considered but cumulative cancer and general health risks will not be calculated as part of the EIS.
Restoration Enhancement		What happens to the land after development is completed? The EIS should look at more than just 10 years of development and production activities.	2	No	EIS does address post-drilling rehabilitation, but not planning horizons.
		CBM operators must explain reclamation plans to the public.	4	No	Specific well reclamation plans and mitigation agreements are part of the permitting process.
Schedule		Praise is expressed for planning the EIS in a realistic time frame so as to not slow down CBM development.	3	No	Noted
		EIS is being rushed and not enough time was given the public to prepare responses to scoping issues.	31	No	Public comment is welcome throughout the NEPA process
Miscellaneous		CBM development is good for the area if it is done responsibly.	3	No	Noted
		Is CBM development necessary or are there alternate sources of methane or energy available?	6	No	Alternate sources of energy are not a part of the EIS.
		Will information on well tests be made public?	1	No	Oil and gas information is under the jurisdiction of the MBOGC.
		The development and use of fuel cells is a concern to the public.	2	No	Noted
		Include cause and effect analysis and worst case scenarios when studying all the coal development areas.	8	No	Noted
		Use common sense permitting plans in development.	4	No	Noted
		Request for site specific EIS in development areas.	16	No	Site-specific assessments will be done as part of the permitting process.
		BLM needs to map all coal seams with CBM potential.	1	No	Coal bed mapping is outside of the scope of the EIS.
		BLM should look at Wyoming development for examples of good and bad ways to operate.	9	Yes	
		How can we comment on plans and permits during development?	4	No	Permitting is under the jurisdiction of the state.
		BLM needs to conduct a regional resource assessment and look at cumulative impacts from development.	12	No	A resource assessment is outside the scope of the EIS.
		RFD's must be developed as part of EIS process.	4	Yes	
		EA's for development plans need to be more complete.	2	No	EA requirements are outlined in Regulations not EIS

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		BLM ignored public process by not accurately recording each scoping meetings comments.	2	No	Public spoken comments were electronically recorded and mailed or e-mailed comments have been retained.

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Scoping Comment Summary

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		Area should be studied and test drilled by and industry consortium then leased to operators.	1	No	Noted
		Commenter requests a two to five-year moratorium to study impact of CBM development.	4	No	Noted
		BLM needs to develop BMPs for production of CBM.	3	No	Development of BMPs are not part of the EIS scope.
		Citizen is concerned with personal safety and government involvement in thinking process.	1	No	Noted
		Current system for development oversight and permitting is OK.	1	No	Noted
		Who is responsible when CBM development is complete?	6	No	Compliance monitoring is within the jurisdiction of both the BLM and the State of Montana.